

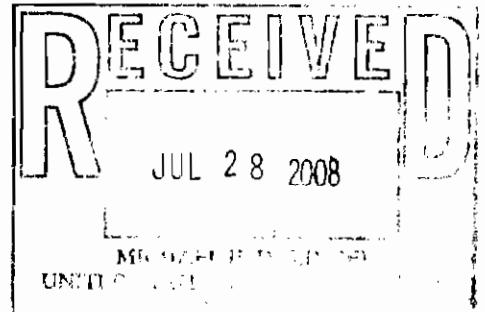


THE CITY OF NEW YORK
LAW DEPARTMENT
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DATE SERVED: 7/28/08
MICHAEL A. CARDODOZO
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July 28, 2008



BY FACSIMILE

Honorable Judge Michael Dolinger
United States Magistrate Judge
Southern District of New York
500 Pearl St., Room 1670
New York, New York 10007
Fax: 212-805-7928

Re: Jeffrey Desir v. Department of Correction, et. al., 07-10553 (RMB) (MHD)

Your Honor:

I am an Assistant Corporation Counsel in the Office of Michael A. Cardozo, Corporation Counsel for the City of New York, and the attorney assigned to the defense of the above-referenced civil rights action. I write in response to your Honor's Order dated July 16, 2008, wherein Your Honor directed defendants to serve and file their response to plaintiff's motion to amend the complaint by today, July 28, 2008. Defendants do not object to plaintiff's motion to amend the complaint.

I thank Your Honor for considering the within matter.

Respectfully submitted,

Katherine E. Smith (KS 8707)
Assistant Corporation Counsel
Special Federal Litigation Division

cc: Jeffrey Desir (#08A3055)
Pro Se Plaintiff

Adirondack Correctional Facility, P.O. Box 110
Marcy, New York 13404

(By First Class Mail)

END OF ORDER
Plaintiff's motion to amend, filed
May 18, 2008, is granted. Plaintiff's
Second Amended Complaint is deemed filed.
The Clerk is to issue the needed new summons
and send them to plaintiff forthwith. Plaintiff is
to arrange for serving the summons and complaint on the
new defendant within forty-five days.

7/30/08